

REMARKS

Claims 1-51 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. §121 as follows:

Group I: Claims 1-41 drawn to a drug delivery device; and

Group II: Claims 42-51 drawn to a method of maintaining agents on medical devices.

The restriction requirement is traversed. The fact that the Patent Office classifies Claims 1-41 and Claims 42-51 in different parts of its classification system does not show that these two groups of claims have acquired a separate status in the art. The classification system developed by the Patent Office has over 100,000 different categories and is intended to help Examiners and other individuals find references relatively quickly; not to show whether particular subjects are considered to be separate by those in the art. The classification system of the Patent Office is constantly being changed, clearly showing that it is not a good basis for making a permanent decision about whether two groups of claims should be divided among two separate patent applications. Accordingly, Applicants provisionally elect the subject matter of Group I, Claims 1-41.

Claims 1-41 are also subject to a species restriction requirement. The Examiner contends that the present application contains claims directed to the following patentably distinct species of the claimed invention. Species I: Claims 1-17, Species II: Claims 18-27; Species III: Claims 28-34 and Species IV: Claims 35-41.

Applicants provisionally elect species I, which read upon Claims 1-17.

Hence, it is respectfully urged that the Examiner reconsider and withdraw the requirement for restriction and provide an action on the merits with respect to all of the claims.

Respectfully submitted,



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